

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of D.R., Q.R., E.F., K.R., D.R., and
A.R., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DERRICK REED,

Respondent-Appellant,

and

CARLITA FORT,

Respondent.

UNPUBLISHED

April 15, 2003

No. 244498

Genesee Circuit Court

Family Division

LC No. 99-112012-NA

Before: Jansen, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Petitioner allowed respondent-appellant to retain custody of five of the minor children for sixteen months while services were offered. During that time, respondent-appellant did not improve the condition of the home or his parenting abilities despite provision of in-home services. While in his care, the children missed their counseling sessions, were absent from school and tardy an inordinate amount of time, and were not properly clothed and cared for. While in respondent-appellant's care, four-year-old DR did not gain weight for a year, and ten-year-old DR was mercilessly teased at school about his ill-fitting, foul-smelling clothing to the point where he made a hit list of those he planned to kill.

While being a working, single parent to five children was an overwhelming task, the evidence indicated that respondent-appellant's failure to improve his care of the children was self-inflicted. Respondent-appellant became non-compliant with the in-home worker. Respondent-appellant refused petitioner's assistance in locating suitable, more adequate housing apart from his girlfriend and her four children, and failed to attend counseling sessions.

Respondent-appellant argues that the trial court erred in terminating his parental rights instead of establishing guardianships for the children with family members. None of the parties, or any other interested person, petitioned the trial court for guardianship. The petition before the trial court requested termination. Once the trial court determined that the statutory grounds had been met, it was required to terminate respondent-appellant's parental rights absent a showing that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Guardianships would not provide the children with permanence, but would subject them to the possibility of respondent-appellant's continual request for termination of the guardianships. The evidence indicated that the children's attitudes and behaviors improved after being removed from respondent-appellant's care and given adequate physical, educational, and emotional care in placement. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood